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PTO/SB/83 (03-02)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	09/546,361
Filing Date	4-10-00
First Named Inventor	Claude Hayes
Group Art Unit	
Examiner Name	
Attorney Docket Number	36731

To: Assistant Commissioner for Patents  
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

PLEASE SEE ATTACHED PETITION AND AFFIRMATION IN SUPPORT OF SUCH PETITION.

1. ☐ The correspondence address is NOT affected by this withdrawal.

2. ☒ Change the correspondence address and direct all future correspondence to:

### CORRESPONDENCE ADDRESS

☐ Customer Number



Place Customer Number  
Bar Code Label here

OR

☒ Firm or  
Individual Name Claude Q.C. Hayes

Address 3737 Third Avenue

Address

City San Diego State CA ZIP 92103

Country USA

Telephone 619-299-2267 Fax 619-299-3449

☒ This request is made on behalf of myself and

☒ all the attorneys/agents of record,

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☐ the attorneys/agents associated with Customer Number

This request is enclosed in triplicate (including any attachments).

Name Penagiota Betty Tufariello

Signature

*Penagiota Betty Tufariello*

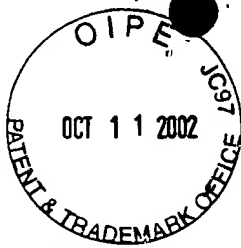
Date

10/11/02

NOTE: Withdrawal is effective when approved rather than when received.

Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



BP (PATAMNDS)

Matter 36731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Claude Hayes  
Serial No.: 09/546,361  
Patent No.: 6,264,854  
Filed: April 10, 2000  
Granted: July 24, 2001  
Title: HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**PETITION OF JASPAN SCHLESINGER HOFFMAN LLP  
PURSUANT TO 37 CFR §1.36 AND §10.4 FOR AN  
ORDER AUTHORIZING WITHDRAWAL OF COUNSEL**

Panagiota Betty Tufariello, Esq., Registration No. 40,851 and Jaspan Schlesinger Hoffman LLP (hereinafter collectively "JSH") respectfully Petition the Commissioner for the entry of an order pursuant to 37 CFR §1.36 relieving them as attorneys of record for Plaintiff, Claude Q.C. Hayes d/b/a Hayes & Associates.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL796424524US in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on October 11, 2002

DATED: October 11, 2002

*Bobbi Patton*  
Bobbi Patton

The grounds for the Motion are that Claude Q.C. Hayes d/b/a Hayes & Associates has failed to cooperate with JSH in the preparation for and prosecution of this case. In particular, Plaintiff, Claude Q.C. Hayes d/b/a Hayes & Associates has failed, refuses and continues to refuse to pay the attorneys' fees due JSH under their engagement agreement for the present matter as well as all other matters JSH represents him in. Furthermore, Claude Q.C. Hayes has served upon JSH his Revocation of Power of Attorney whereby he withdrew and any all authorization from JSH to continue to represent him in Claude Q.C. Hayes, d/b/a Hayes & Associates, CV-01 5428 (E.D.N.Y). To date, despite repeated requests that he do so, Claude Q.C. Hayes has failed to serve upon JSH his Revocation of Power of Attorney in the present matter or to cooperate with JSH in any and all other matters.

The factual basis for the grounds for withdrawal are all set out in the Declaration of Panagiota Betty Tufariello which is served with this Petition.

As explained in the Petition of Panagiota Betty Tufariello, Plaintiff, Claude Q.C. Hayes d/b/a Hayes & Associates was served with this Petition in the best possible manner by mailing of the Petition Papers to him at his last known address by Express Mail and by facsimile.

If the Petition is granted, Claude Q.C. Hayes d/b/a Hayes & Associates may be served with Notices and Papers at:

Claude Q.C. Hayes  
d/b/a Hayes & Associates  
3737 Third Avenue  
San Diego, CA 92103


and contacted by telephone and facsimile at:

(619) 299-2267 (tel)  
(619) 299-3449 (fax).

This Petition is based on the papers on file in this matter Declaration of Panagiota Betty Tufariello in Support of an Order Authorizing the Withdrawal of Jaspan Schlesinger Hoffman as Attorneys of Record and whatever evidence and arguments is presented at the hearing of this Petition.

Dated: October 11, 2002

Respectfully Submitted,

  
Panagiota Betty Tufariello  
Reg. No.: 40,851  
Jaspan Schlesinger Hoffman LLP  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 393-8249

BP (PATENT & TRADEMARKS)



Matter 36731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Claude Hayes  
Serial No.: 09/546,361  
Patent No.: 6,264,854  
Filed: April 10, 2000  
Granted: July 24, 2001  
Title: HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**AFFIRMATION IN SUPPORT JSH LLP's  
PETITION FOR WITHDRAWAL AS  
ATTORNEYS OF RECORD PURSUANT TO 37 CFR §1.36 AND §10.4**

**I, PANAGIOTA BETTY TUFARIELLO, declare that:**

1. I am an attorney duly admitted to practice law in the Courts of the State of New York and member of the Bar of the Patent and Trademark Office. My registration number is 40,851.
2. I am a partner in the law firm of Jaspan Schlesinger Hoffman LLP (hereinafter "JSH") attorneys for the Plaintiff, Claude Q.C. Hayes d/b/a Hayes & Associates (hereinafter "Hayes"). In

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL796424524US in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on October 11, 2002

DATED: October 11, 2002

*Bobbi Patton*  
Bobbi Patton

that capacity I am fully familiar with the fact and circumstances set out in this Declaration, which I submit in support of mine and JSH's Petition to withdraw as counsel for Patentee. The facts set out in the Declaration are true as of my personal knowledge, and if called as Witness in this matter, I could and would competently testify to each of the facts set forth below.

3. On August 13, 2001 Hayes commenced an action against the Honeywell, Inc. and Southwest Airlines; and against The Boeing Company on October 1, 2001. The Action was for Patent Infringement in connection with U.S. Patent No. 6,235,216. I am the attorney of record on that patent as well as being responsible for the prosecution of the Application Serial No. 09/797,453 corresponding to that patent.

4. Mr. Hayes accrued attorneys fees and costs in excess of \$75,000.00 in the above mentioned litigation.

5. In addition, Hayes has failed to cooperate with JSH in the preparation and prosecution of all his cases. In particular, Hayes has failed and refused to pay attorneys' fees due JSH under their engagement agreement not only in the above mentioned litigation but also in connection with the present matter.

6. Hayes has made it abundantly clear that he no longer wishes to be represented by JSH in the litigation. Specifically, on September 24, 2002, he sent the undersigned a copy of a document which purports to be a Revocation of Power of Attorney. A copy of the purported Revocation of Power of Attorney is annexed hereto as **Exhibit 1.**

7. In Hayes' Revocation of Power of Attorney, he states:

"I hereby revoke my Power of Attorney to Panagiota Betty Tufariello, Registration No. 40,851. She and the firm Jaspan Schlesinger Hoffman no longer have authorization to represent me or litigate in this matter."

8. We have asked Mr. Hayes to send us a similar Revocation of Power of Attorney in the present matter. Annexed hereto as **Exhibit 2** is a copy of a facsimile communication together with our proposed Revocation. To date Mr. Hayes has failed to respond.

9. No prior request has been made to this office for the relief requested herein.

10. Claude Q.C. Hayes d/b/a Hayes & Associates was served with the Petition and all papers in support of JHS's Petition to Withdraw in the best possible manner by mailing o the Petition Papers to him at his last known address via Express Mail and via facsimile.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on October 11, 2002 at Garden City, New York.

Dated: October 11, 2002

Respectfully Submitted,


  
Panagiotis Betty Tufanello  
Reg. No.: 40,851  
Jaspan Schlesinger Hoffman LLP  
300 Garden City Plaza  
Garden City, New York 11530  
(516) 393-8249

Exhibit 1





*Betty Tufariello*

IN THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

Applicant: Claude Q.C. Hayes  
Case No.: CV-015428  
Filed: May 21, 2001  
In the Matter of: Claude Q.C. Hayes  
D/B/A/ Hayes & Associates  
Plaintiff

v.

Honeywell, Inc.  
Southwest Airlines Co. and  
The Boeing Company  
Defendants.

REVOCATION OF POWER OF ATTORNEY

Dear Sir:

I hereby revoke my Power of Attorney to Panagiota Betty Tufariello, Registration No. 40,851. She and the firm Jaspan Schlesinger Hoffman no longer have authorization to represent me or litigate in this matter.

Please submit all paperwork to:

Claude Q.C. Hayes  
3737 3rd. Ave., #308  
San Diego, CA 92103

Dated: 9/1/02

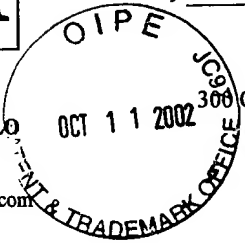
Claude Q.C. Hayes

**Exhibit 2**



Since 1946

P.B. TUFARIELLO  
Partner  
516-393-8249  
ptufariello@jshllp.com



# JASPAN SCHLESINGER HOFFMAN LLP

ATTORNEYS AT LAW

GARDEN CITY PLAZA • GARDEN CITY, NEW YORK 11530

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**DELAWARE OFFICE**  
1201 N. ORANGE ST.  
SUITE 1001  
WILMINGTON, DE 19801  
TELEPHONE 302-351-8000  
FAX 302-351-8010

September 10, 2002

**VIA FACSIMILE**

SEP 11 2002

Claude Q. C. Hayes Wold  
3737 Third Avenue  
San Diego, CA 92103

Re: Intellectual Property Matters  
Our File No. 0067530

Dear Claude:

We are writing to inform you that we have numerous deadlines on your applications that need to be addressed immediately. Specifically:

- (a) U.S. Patent Application No. 09/558,950, filed April 26, 2000 for the Hydroxides. A response must be submitted by September 13, 2002;
- (b) U.S. Patent Application Serial No. 09/818,372, filed March 27, 2001 for the Aldehyde. A response must be submitted by September 18, 2002; and
- (c) U.S. Patent Application Serial No. 09/818,374, filed March 27, 2001 for the Hydrated Salts. A response must be submitted by September 21, 2002.

We are in the process of filing Motions to Withdraw on each and every one of your currently pending applications as well as those issued patents on which we are Attorney of Record for the purpose of payment of Maintenance Fees. Upon the filing of the Motions, we will no longer be responsible for anything on these cases. Your failure to provide us with a new Power of Attorney replacing us as counsel with new counsel will result in abandonment of all your applications to your extreme detriment.

Mr. Claude Hayes Wold  
September 10, 2002  
Page 2

Accordingly, we request that you forward this firm your new Powers of Attorney immediately. In the alternative, if you plan on proceeding pro se attached please find a Withdrawal of our Power of Attorney and your sworn declaration that you will be the one responsible for the cases set forth herein from this day forward.

Further revocations will follow shortly for the remainder files.

Very truly yours,

  
PANAGIOTA BETTY TUFARIELLO

PBT/bp  
Enclosures